

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Assistant Commissioner for Patents  
Washington, D.C. 20231

Atty. Dkt.: 2551-59

Date: August 17, 2001

Sir:



11040 U.S. PTO  
09/931486  
08/17/01

Attached for filing is the patent application of:

Inventor: Jannes et al

Entitled: SIMULTANEOUS DETECTION, IDENTIFICATION AND  
DIFFERENTIATION OF EUBACTERIAL TAXA USING A  
HYBRIDIZATION ASSAY

and including attachments as noted below:

- ☐ Newly executed Declaration, ☒ Copy of Declaration from prior application, ☐ Abstract  
138 pages of specification and claims (including 53 numbered claims), and  
103 sheets of accompanying drawing/s.

☐ Record the attached assignment and return to the undersigned.

☐ Attached is a Power of Attorney.

☒ Priority is hereby claimed under 35 U.S.C. § 119 based on the following foreign applications:

Application Number	Country	Day/Month/Year Filed
94870106.5	European	24 June 1994
95870032.0	European	07 April 1995
PCT/EP95/02452		23 June 1995

, respectively, the entire content of which is hereby incorporated by reference in this application..

☐ Certified copy(ies) of foreign application(s) is/are attached.

☒ Certified copy(ies) filed in appln. no. PCT/EP95/02452 filed 23 June 1995

☐ Please amend the specification by inserting the following paragraph before the first line: --This application claims the benefit of Provisional Application No. , filed , the entire content of which is hereby incorporated by reference in this application.--

☒ Please amend the specification by inserting the following paragraph before the first line: --This application is a ☐ continuation/☒ division/☐ continuation-in-part of Application No. 09/448,894 (allowed), filed November 29, 1999, which in turn is a divisional of application Serial No. 08/765,332 (now U.S. Patent No. 6,025,132), filed December 23, 1996, the entire content of which is hereby incorporated by reference in this application.--

☐ Petition filed in prior application to extend its life to insure co-pendency.

☒ The prior application is assigned to Innogenetics N.V..

☒ It is hereby requested that the Examiner consider the art cited in the parent application by applicant and/or the Examiner for the reasons stated therein. A listing of that art is attached and return of an initialed copy of the same, pursuant to §MPEP 609 is requested.

☐ Applicant claims "small entity" status. ☐ "Small entity" statement attached.

☒ Please enter the attached and/or below preliminary amendment prior to calculation of filing fee:

☒ Also attached: ☒ Information Disclosure Statement; ☐ Non-Publication Request; ☒ Nucleotide and/or Amino Acid Sequence Submission; ☐ Statement deleting Inventor(s) named in prior application; ☒ Other: Request; Abstract

**FILING FEE IS BASED ON CLAIMS AS FILED LESS ANY HEREWITH CANCELED**

Basic Filing Fee		\$	710.00
Total effective claims	35 - 20 (at least 20) = 15	x \$ 18.00	\$ 270.00
Independent claims	2 - 3 (at least 3) = 0	x \$ 80.00	\$ 0.00
If any proper multiple dependent claims now added for first time, add \$270.00 (ignore improper)			\$ 0.00
		<b>SUBTOTAL</b>	\$ 980.00
If "small entity," then enter half (1/2) of subtotal and subtract		-\$ (	0.00)
		<b>SECOND SUBTOTAL</b>	\$ 980.00
Assignment Recording Fee (\$40.00)		\$	0.00
		<b>TOTAL FEE ENCLOSED</b>	\$ 980.00

Any future submission requiring an extension of time is hereby stated to include a petition for such time extension.

The Commissioner is hereby authorized to charge any deficiency in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our **Account No. 14-1140**. A duplicate copy of this sheet is attached.

1100 North Glebe Road, 8<sup>th</sup> Floor  
Arlington, Virginia 22201-4714  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100  
BJS:eaw

**NIXON & VANDERHYE P.C.**

By Atty: B. J. Sadeff, Reg. No. 36,663

Signature:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

**Jannes et al**

Atty. Ref.: 2551-59

Divisional of Serial No. 09/448,894

Group:

Filed: **August 17, 2001**

Examiner:

For: **SIMULTANEOUS DETECTION, IDENTIFICATION AND  
DIFFERENTIATION OF EUBACTERIAL TAXA USING A  
HYBRIDIZATION ASSAY**

\* \* \* \* \*

**August 17, 2001**

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

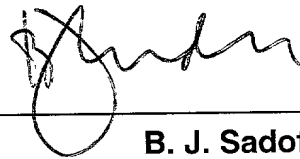
**REQUEST**

The attached paper copy of the Sequence Listing is the same as that filed in the parent Application No. 09/448,894 and the grand-parent Application No. 08/765,332. The Office is requested to use the computer-readable copy of the Sequence Listing from the parent Application No. 09/448,894 and grand-parent Application No. 08/765,332, for the present application. The attached paper copy of the Sequence Listing is the same as the computer-readable copy of the Sequence Listing filed in the parent Application No. 09/448,894 and the grant-parent Application No. 08/765,332. No new matter has been added.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: \_\_\_\_\_



**B. J. Sadoff**

Reg. No. 36,663

**BJS:eaw**

1100 North Glebe Road, 8th Floor  
Arlington, VA 22201-4714  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100